

Notice of Allowability

Application No.

09/771,146

Examiner

John P. Leubecker

Applicant(s)

COLEMAN ET AL.

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3739

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 10, 2004.
2. ☒ The allowed claim(s) is/are 1,8-11,13-16,18-24,26-30,32-39,49,50,55,61-67 and 70.
3. ☒ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

John P. Leubecker
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Scott Harris on August 13, 2004.

The application has been amended as follows:

IN THE CLAIMS

Amend claim 1 as follows:

1. A system, comprising:

an endoscope section, having an image receiving portion at an area thereof, which image receiving portion receives an optical image, and transmits the optical image to another portion thereof;

a sleeve assembly, sized to cover said endoscope section and extending along an axis, and having an optical element which includes a mirror which forms a fixed angle relative to an axis of said sleeve assembly and further comprising an additional sleeve assembly with an additional mirror that forms a different fixed angle relative to the axis of said sleeve assembly which changes a direction of light coming from an outside said sleeve assembly, and directs light to said image receiving portion of said endoscope section from the area outside said sleeve assembly;

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wherein an outer surface of said endoscope section is smaller than an inner surface of said sleeve assembly, defining a cavity between said endoscope section and said sleeve assembly; and

wherein an outlet of said cavity opens near said optical element, and is located such that fluid supplied to said cavity is also supplied to said optical element.

In claims 13, 14 and 16, line 1, replace "12" with --1--.

In claim 19, lines 1 and 2, delete "said optical element includes a mirror, and".

Amend claim 55 as follows:

55. An assembly, comprising:

an endoscope part, having a first portion adapted to receive optical energy, and a second portion adapted to supply information indicative of the optical energy;

a first sheath, extending generally along an axis, and having an inner surface which is sized to be larger than an outer surface of said endoscope part, and located around said endoscope part, said sheath having an optical window located in a location which forms a predetermined fixed non-zero degree angle with said axis, and having an optical element located to change a direction of incoming optical energy from said optical window to the direction of said axis;

an assembly wherein said optical element is a mirror that forms a first fixed angle relative to said axis, to thereby reflect optical energy from a specified viewing area to said optical axis, further comprising at least one additional sheath, having a mirror which

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forms a fixed angle which is different than said first fixed angle, and which can be used with said endoscope part;

wherein an outer surface of said endoscope part is smaller than an inner surface of said sheath, defining a cavity between said endoscope part and said sheath; and

wherein an outlet of said cavity opens near said optical element, and is located such that fluid supplied to said cavity is also supplied to said optical element.

Cancel claims 12, 17, 25, 31, 40-48, 51-53, 68, 69, 71, 72 and 76-84.

2. The following is an examiner's statement of reasons for allowance: Claims 1 and 55 are amended above to recite a combination of elements that are not explicitly taught or fairly suggested by the prior art of record. Specifically, claims 1 and 55 now further recite that the outer surface of the endoscope part is smaller than an inner surface of the sheath, defining a cavity between the endoscope part and the sheath, and wherein an outlet of the cavity opens near the optical element (i.e., mirror), and is located such that fluid supplied to the cavity is also supplied to the mirror. Although the examiner still takes the position that the formation of the cavity between the endoscope and sheath would be an obvious modification of the Sauer et al. reference in view of Karasawa et al. (note numbered paragraph 3b in the previous Office Action, paper number 11), it would not be obvious, without using impermissible hindsight, to locate the outlet of such cavity such that fluid supplied to the cavity is also supplied to the mirror. Instead, even if modified as mentioned above, it would follow that the outlet of such cavity it the Sauer et

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al. reference would still be directed through the distal portion of the sheath so as to be directed to the exterior lens/window of the sheath (note nozzle 88 of Figure 17 of Sauer et al.), and not directed to the mirror (one surface of the prism 90, Fig. 17). Therefore, Sauer et al. in view of Karasawa et al. would not fairly suggest the combination of elements as now claimed. Furthermore, the Eino et al. reference could not be properly modified by the prior art of record to meet each and every limitation of claims 1 and 55 as amended above.

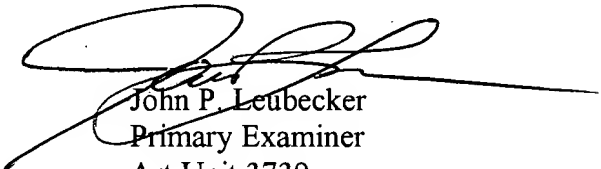
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John P. Leubecker whose telephone number is (703) 308-0951. The examiner can normally be reached on Monday through Friday, 6:00 AM to 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda C.M. Dvorak can be reached on (703) 308-0994. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John P. Leubecker
Primary Examiner
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jpl